

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE: JAMES BUTCHER

DEBTOR

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§
§

CASE NO: 24-31171

CHAPTER 13

**RESPONSE TO OBJECTION OF MICHAEL ALLEN FRANKLIN TO CONTINUE
AUTOMATIC STAY**

1. The Debtor filed a motion to extend the automatic stay in his case on March 25, 2024, at docket #10. An objection was filed by Michael Allen Franklin (“Franklin”) on March 15, 2024, at docket #21 objecting to the stay continuing for the state court litigation in cause 2022-66512 in the 152nd Judicial District Court of Harris County, Texas (the “State Court Case”).
2. Franklin is requesting that the stay not prevent the continuation of the State Court Case to allow Franklin to proceed in state court.
3. The Debtor would bring to the attention of this court that in October of 2023 the State Court Case had been reset for trial in May of 2024 at the request of Frost Bank. Franklin did not file any objection to the trial continuation motion. After the request by Frost Bank, the State Court had entered a new docket control order on October 24, 2023, to reset the trial. Due to the bankruptcy filing of the Debtor, the State Court Case was stayed.
4. Contrary to the allegations of Franklin, the State Court Case is not a simple entry of an order by the State Court. If, as argued by Franklin, the State Court was ready to enter an order for Franklin, why did Frost request a reset of the trial in October of 2023, why did Franklin not object, and why did the State Court reset trial for May of 2024 at the request of Frost?
5. The State Court Case, which includes both Frost Bank and Franklin, has significant implications for the Debtor’s bankruptcy case. The Debtor has or shortly will file a notice of removal of the State Court Case. This court can better address the issues. Franklin is

effectively asking this court to allow the State Court to make determinations as to property of this estate and the disposition of such property. Frost Bank has not done so and is the other co-defendant in the State Court Case.

6. The Debtor would also point out that the judgment of Franklin was obtained in 2014. Only when the Debtor filed suit against Frost Bank and Franklin in State Court did the judgment creditors respond.
7. The Debtor requests that this court extend the stay as to all creditors for all matters.

Dated: April 16, 2024

Respectfully submitted,

/s/ Reese W. Baker

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CERTIFICATE OF SERVICE

The undersigned certifies that on April 16, 2024, a copy of the above notice was delivered to the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/Reese W. Baker

Reese W. Baker